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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re Patent Application of

Confirmation No. 4708

Allowed: October 15, 2004

TACHOWIAK et al.

Atty. Ref.: 3691-588

Serial No. 10/672,065

Group: 1775

Filed: September 29, 2003

Examiner: Blackwell-Rudasill, G.

For: HEAT TREATABLE COATED ARTICLE WITH NIOBIUM ZIRCONIUM  
INCLUSIVE IR REFLECTING LAYER AND METHOD OF MAKING SAME

\* \* \* \* \*

October 22, 2004

**Mail Stop: Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

The instant application was allowed October 15, 2004. However, the Reasons for Allowance are not commensurate with the scope of all claims.

For example, and without limitation, claim 1 requires that the coated article has "no metallic infrared (IR) reflecting layer comprising Ag or Au." This language is not found in the reasons for allowance. Moreover, as another example, the reasons for allowance are not commensurate with the scope of independent claim 3. As other examples, the reasons for allowance are not commensurate with the scope of independent claims 6, 9, 15, and so forth.

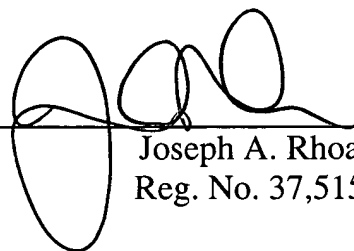
Additionally, as explained in the instant specification, it will be appreciated that different ratios of Nb to Zr are covered by the independent claims. In other words, no particular ratio of Nb to Zr is required.

If there should be any questions, please contact the undersigned.

Respectfully submitted,

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